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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

GREAT NORTHERN RESOURCES, INC.,
DYNAMIC SERVICE FIRE AND
SECURITY, LLC, and WALTER VAN
LEJA, on behalf of themselves and others
similarly situated

Plaintiff,

vs.

KATY COBA, in her Official Capacity as
State Chief Operating Officer and Director of
the Oregon Department of Administrative
Services; OREGON DEPARTMENT OF
ADMINISTRATIVE SERVICES; THE
CONTINGENT; BLACK UNITED FUND
OF OREGON; DOES 1-10,

Defendants.

Case No. 3:20-cv-01866-IM (L)

**JOINT UNOPPOSED MOTION OF
ALL DEFENDANTS FOR
DISBURSEMENT OF FUNDS IN THE
AMOUNT OF \$5,300,000.00 FROM
THE COURT REGISTRY PURSUANT
TO SETTLEMENT WITH
PLAINTIFFS DYNAMIC SERVICE
FIRE AND SECURITY, LLC AND
WALTER VAN LEJA**

UNOPPOSED MOTION TO DISBURSE

LR 7-1 CERTIFICATION

Undersigned counsel certify that this Motion is unopposed by all parties to Case No. 3:20-cv-01866-IM.

UNOPPOSED MOTION AND MEMORANDUM

Defendants move to disburse from the Court Registry \$5,300,000 of the \$9,014,120 on deposit in this action. This Motion is made pursuant to the settlement agreement among all defendants, on one hand, and plaintiffs Walter Van Leja and Dynamic Service Fire and Security, LLC, on the other hand. It also is made under Fed. R. Civ. P. 67, LR 67-3, and 28 U.S.C. § 2042.

As the Court likely recalls, this case involves the Oregon Cares Fund for Black Relief and Resiliency (the “Fund”). The Oregon Emergency Board created the Fund using an allocation of moneys that Oregon received through the federal Coronavirus Aid, Relief and Economic Security (CARES) Act. The Fund comprised \$62 million. It was granted to The Contingent, a non-profit organization, to distribute to individuals, businesses and non-profit organizations that demonstrated losses related to the COVID-19 pandemic and self-identified as Black individuals, Black-owned businesses or Black-focused organizations.

The Court Registry now holds \$9,014,120 of Fund money in connection with this action, No. 3:20-cv-01866-IM (the “GNR Deposit”). The Contingent deposited \$200,000 of Fund money on November 23, 2020, in connection with opposing plaintiff Great Northern Resources, Inc.’s motion for preliminary injunction. (Dkt. Nos. 17, 26, 29.) On December 29, 2020, The Contingent deposited an additional \$8,814,120 of Fund money in connection with opposing the motion for temporary restraining order filed by plaintiffs Van Leja and Dynamic. (Dkt. Nos. 58, 59, 60, 64.) According to The Contingent, the December 29 deposit comprised the Fund balance that at the time had not been allocated to pending applicants. (*See* Dkt. No. 58.)

On March 11, 2021, the Parties fully executed a Settlement Agreement and Release of Claims with respect to the claims of Van Leja and Dynamic Services, attached hereto as Exhibit 1 (the “Settlement”). Among other things in the Settlement, Van Leja and Dynamic Services agreed not to oppose Defendants’ request to withdraw \$5,300,000 from the GNR Deposit.

(Settlement at 2.) Plaintiff Great Northern separately agreed in writing not to oppose withdrawal of that amount so long as that when the Contingent disburses those amounts to Fund applicants, it does so in order of the date and time applications were submitted and starting with the application immediately after the last funded application. (*Id.*) The Contingent agreed to this condition, as evidenced by its signing Exhibit 1.

If the Court grants this motion, then \$3,714,120 will remain in the GNR Deposit. That amount exceeds the estimated amount that will comprise the Settlement Fund of the class action settlement submitted to the Court for preliminary approval. (*See* Dkt. No. 85 at 6 [estimating Settlement Fund to be approximately \$3,500,00].) That money is kept in reserve in the event the class action settlement does not achieve final approval. The moneys deposited in the Cocina Cultura action, No. 3:20-cv-2022-IM, will not be affected.

For the foregoing reasons, there is good cause to grant the unopposed motion to disburse funds and to enter the proposed order submitted herewith.

Dated: March 12, 2021

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*Services, and Katy Coba, in her Official
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Dated: March 12, 2021

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